

From: richman@mail.mac.com
To: microsoft.atr(a)usdoj.gov
Date: 1/26/02 10:18pm
Subject: Microsoft settlement

To the Court:

As an end user (consumer) of computers for the past 20 years, I find the proposed settlement by the Justice Department to be woefully inadequate. My objections concern both the remedies and the lack of consequences if the stipulations of the settlement are violated by Microsoft.

Consumers like myself are slowly but surely being forced to use Microsoft products if we want to get ahead at work or use computers to make our lives more enjoyable at home. The tactics that Microsoft used to put itself in this position were found to be illegal, meaning that consumers would likely have had alternatives if Microsoft had been an ethical, law abiding corporation. I don't see any of the remedies addressing the dearth of consumer choice in PC operating system components or PC office productivity software.

As a consumer, the rise of Netscape in the mid 1990s signified an era where the computer desktop became a richer environment to work in. No longer were computer users relegated to a mediocre Microsoft Windows environment as there was a nascent, competitive environment whose centerpiece was not the operating system, but rather the web browser. As Microsoft illegally choked off Netscape's ability to generate revenue, the internet became a stifled environment that now requires Microsoft products to function properly. This is serious as Microsoft has become the gatekeeper for every activity of every user of the internet. Microsoft has not demonstrated the ability to be ethical, trustworthy, or law-abiding in this critical role.

As such, I believe that any remedy of this antitrust suit should contain severe enforcement penalties if Microsoft violates any of the remedy provisions. Severe entails any penalties that would jeopardize Microsoft's future business prospects. This includes divestiture of the Windows operating system from other parts of Microsoft and/or publishing the source code of the Windows operating system. Microsoft has violated court orders in the past (i.e. the 1995 consent decree) so the inclusion of severe penalties is the only way to guarantee the effectiveness of a remedy ordered by your court.

To address the lack of consumer choice that has resulted from Microsoft's illegal behavior, I would prefer a remedy that forces Microsoft to publicly disclose the file formats of Microsoft Office productivity software for a period of several years. Since Microsoft file formats have become a de facto standard in the business world, this is

the only way to allow competitors an opportunity to provide alternatives in the workplace, which represents Microsoft's most important market. It is vital that the court recognizes the need to reintroduce competition into the computer software industry.

Finally, I hope you recognize the stranglehold that Microsoft has over the computer industry. Given Microsoft's unrepentant behavior of late for wrongdoings it has committed, a weak remedy today as signified by the proposed settlement will lead to more antitrust violations by Microsoft and yet another Microsoft antitrust trial a few years from now. This would be disastrous for the consumers of computers in this country.

Sincerely,

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